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SUBJECT: SENEGAL MODIFIES CONSTITUTION TO TRY HABRE

¶1. (U) Former Chadian President Hissene Habre has moved one step closer to being put on trial. On July 23, Senegal's Senate and National Assembly met in congress to vote on a number of proposed amendment's to the country's constitution which had already previously passed separate votes in both houses parliament. The most significant of the measures was one that modifies article 9 of the constitution and permits Senegal's courts to permit the "judgment and condemnation of any person for any act or omission which, at the time it was committed was criminal according to international law, especially acts of genocide, crimes against humanity and war crimes." As a result of this change, Senegalese courts now have jurisdiction to try Habre.

¶2. (SBU) Comment: The amendment to the constitution notwithstanding, many observers question if Habre will ever actually go on trial in Senegal. Habre, who has lived in Senegal since 1991, is not under any form of arrest and lives comfortably in a prominent Dakar neighborhood. The former dictator has developed an extensive network of supporters in Senegalese political and religious circles. As a result, many Western diplomats and human rights activists resident in Dakar believe that is unlikely that Senegal will make any aggressive effort to move toward criminal proceedings against Habre, although the government will continue to go through the motions of preparing for a Habre trial because of the pressure from donor countries.
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